

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

October 26, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, Cassie Goodwin, and Patricia Sandino. Assistant Attorney General: Mona Baskin. Solicitor General’s Office: Christopher Munns (per Item 5.C.1 only). Absent: Ronald Dalrymple.
3. **CALL TO THE PUBLIC** – Carl Sitterley, Land Surveyor #2874, addressed the Board and asked the Board to consider his previously submitted September 23, 2010, letter.
4. **MINUTES**
 - A. Approve, Modify and /or reject the September 28, 2010 minutes. Dr. Schaefer Kliman moved to adopt the September 28, 2010 minutes. Mr. Weiland seconded, Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissal
 1. M10-105, Vera Green, P.E. (Structural) #37959 – Mr. Komm moved to dismiss the case. Dr. Schaefer Kliman seconded. After discussion, motion carried.
 2. M10-042, Robin E Settlemyer, Land Surveyor #26932 – Mr. Epperson recused himself, citing a conflict of interest. Mr. Weiland moved to dismiss the case. Ms. Woodall seconded. After discussion, motion carried.
 3. M08-118, Richard T. Smith, P.E. (Civil) #21568 – Dr. Schaefer Kliman moved to dismiss the case. Mr. Willett second. After discussion, motion carried.

B. Proposed Consent Agreement

1. M09-138, Jonathan L. Johns, P.E. (Civil) #28165 – Mr. Epperson recused himself, citing a conflict of interest. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Assurance of Discontinuance: Respondent shall not engage in the practice of land surveying that includes the location of land boundaries until Respondent is granted registration as a Land Surveyor by the Board; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$335.00. Ms. Perchinelli seconded. After discussion, motion carried.

Ms. Woodall suggested that the Board write a letter to the Town of Cave Creek Subdivision Ordinance, which may be in conflict with Board's statutes and rules relating to the practice of Land Surveying.

2. M10-009, Marcellus Lisotta, P.E. (Civil) #28620 – Marcellus Lisotta appeared and addressed the Board. Ms. Woodall moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.

3. M09-059, Philip Baptiste, Architect #35462 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$85.00. Ms. Perchinelli seconded. After discussion, motion carried.

C. Discussion and Consideration

1. M10-046, Donald C. Allen, Land Surveyor # 39258 – Donald Allen appeared telephonically and addressed the Board. Mr. Epperson moved to Deem the Allegations Admitted. Mr. Komm seconded. After a discussion, motion carried. Ms. Perchinelli - Nay.

Mr. Epperson moved to adopt the Findings and Facts and Conclusions of Law as detailed in the Complaint and Notice of Hearing. Mr. Weiland seconded. After discussion, motion carried.

Mr. Epperson moved to accept the State's recommendation to Revoke Respondent's Land Surveyor Registration No. 39258. Ms. Woodall seconded. After discussion, motion carried. Ms. Perchinilli, Dr. Schaefer Kliman, and Mr. Willett - Nay.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

- A. Mr. Weiland moved to approve Biopro, L.L.C. as an approved training provider in accordance with A.A.C. R4-30-271 (B) (4)(5) and A.A.C. R4- 30-272(B)(3). Dr. Schaefer Kliman seconded. After discussion, motion carried.

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Beichley, Douglas, Architect Application #100773 – Dr. Schaefer Kliman moved to approve Mr. Beichley application and grant him registration. Ms. Cesare seconded. After discussion, motion carried.

2. Charvat, F. Alexander, Civil Engineering Application #100570 – Mr. Willett moved to approve Mr. Charvat's application and grant him registration. Mr. Epperson seconded. After discussion, motion carried.

3. Harris, Clint, Civil Engineering Application #100938 – Ms. Woodall moved to approve Mr. Harris' application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.

4. Hye, William, Civil Engineering Application #100627 – Mr. Hye was present and addressed the Board. Mr. Willett moved to approve Mr. Hye's application and grant him registration. Mr. Komm seconded. After discussion, motion carried.

5. Stanton, Francis, Mechanical Engineering Application #101064 – Mr. Weiland moved to approve Mr. Stanton's application and grant him registration. Ms. Woodall seconded. After discussion, motion carried.

6. Viani, Steven, Civil Engineering Application #100493 – Mr. Willett moved to approve Mr. Viani's application and grant him registration. Ms. Cesare seconded. After discussion, motion carried.

7. Yanes, Francisco, Engineer-in-Training Application #100123 – Mr. Yanes was present and addressed the Board. Ms. Woodall moved to approve Mr. Yanes EIT application and grant him EIT Designation. Mr. Weiland seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Board requested application #010624 to be removed from 9(A)(4). Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

10. POLICY MATTERS

Nothing new to report

11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for 3 years and recommended to be lapsed: (List of names available at the Board's Office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.A. Mr. Willett seconded, motion carried.

- B. Certifications that have been expired for 1 year and recommended to be lapsed: (List of names available at the Board's Office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.B. Mr. Willett seconded, motion carried.

12. DIRECTOR'S REPORT - Deputy Director Ms. Cornelius advised:

Finances: Nothing new to report.

Computer System: The Board has had ongoing meetings with the proposed vendors to discuss the replacement computer system.

13. BOARD CHAIR'S REPORT – Mr. Shay reported on the following items discussed at the Home Inspector Rules and Standards Committee Meeting:

1. Home inspector rules of professional conduct. The Committee expressed concern about the aggressive sales practices of a national security firm using home inspectors to obtain referrals by having them advertise free security system inspections as a part of their service, which may be in conflict with A.A.C. R4-30-301.01.
2. The Committee decided to revise the Checklist Supplement and Industry Practices.
3. The Committee reviewed the issue of Home Energy Auditing Building Performance Institute Technical Standards, and determined that they do not fall under the scope of the Committee, even though it has some components similar to home inspections.
4. The Committee discussed the status of the American Society of Home Inspectors (ASHI) Pool & Spa Standards for Arizona Revision and Adoption, and will discuss it further at the November 17, 2010 committee meeting.
5. The Committee requested an update from Staff on the publication date for the previously submitted notices restricting home inspectors from receiving commission or compensation from referrals or finder's fees for termite inspections.

14. STANDING COMMITTEE REPORT

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised there was nothing new to report. The next L&R Committee meeting is scheduled for December 2, 2010, and she will provide a report at the January 25, 2011, meeting.
- B. Budget Committee – Nothing new to report.
- C. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised that the ERRS Committee met on October 12, 2010, and approved Biopro L.L.C. training courses required for A.A.C R4-30-271(B)(4)(5) and A.A.C. R4-30-272(B)(3).

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

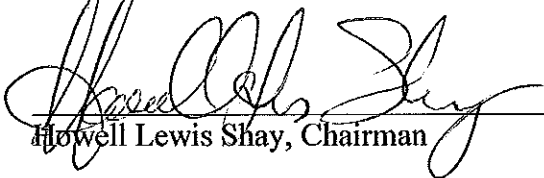
- A. National Council of Examiners for Engineering and Surveying ("NCEES")
Nothing new to report.
- B. National Council of Architectural Registration Boards ("NCARB")
Mr. Shay advised he and Mrs. Cornelius will be attending NCARB's Board Chairs' and Executive Directors' Council in New Orleans, Louisiana, on November 3, 2010, and will provide a report at the November 23, 2010, Board meeting.
- C. Council of Landscape Architectural Registration Boards ("CLARB")
Nothing new to report.
- D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he will be attending the annual meeting on November 8, 2010, in St. Louis, Missouri, and will provide a full report at the November 23, 2010 Board meeting.

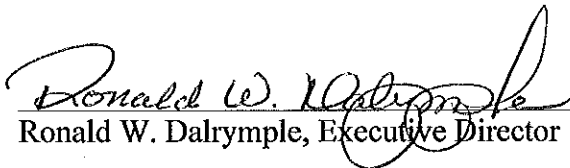
16. FUTURE BOARD MEETINGS –Tuesday, November 23, 2010 at 9:30 AM.

17. FUTURE AGENDA ITEMS –None at this time.

18. ADJOURNMENT –Meeting adjourned at 10:51 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director